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SENATE BILL 471

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Sue Wilson Beffort

AN ACT

RELATING TO CHILDREN; REQUIRING FINGERPRINTING AND A BACKGROUND  
CHECK FOR A VOLUNTEER OR STAFF MEMBER AT A JUVENILE JUSTICE  
FACILITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 9-2A-1 NMSA 1978 (being Laws 1992,  
Chapter 57, Section 1) is amended to read:

"9-2A-1. SHORT TITLE.--~~[Sections 1 through 16 of this  
act]~~ Chapter 9, Article 2A NMSA 1978 may be cited as the  
"Children, Youth and Families Department Act"."

Section 2. A new section of the Children, Youth and  
Families Department Act is enacted to read:

"[NEW MATERIAL] VOLUNTEERS AND STAFF AT JUVENILE  
FACILITIES.--Fingerprinting and a background check shall be  
required for a volunteer or staff member at a juvenile justice

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1 facility who:

2 A. has direct unsupervised contact with residents;  
3 and

4 B. serves as a teacher, instructor, mentor,  
5 religious or other leader, coach or counselor."

6 Section 3. Section 9-2A-8.1 NMSA 1978 (being Laws 2005,  
7 Chapter 271, Section 2) is amended to read:

8 "9-2A-8.1. CRIMINAL HISTORY RECORD INVESTIGATIONS--  
9 PROCEDURE--CONFIDENTIALITY--VIOLATION--PENALTY.--

10 A. The department shall submit fingerprints for  
11 each individual required to be fingerprinted pursuant to the  
12 Children, Youth and Families Department Act to the department  
13 of public safety and the federal bureau of investigation.

14 B. Criminal histories obtained are confidential and  
15 shall be used only for the purpose of determining the  
16 suitability of an employee or volunteer or prospective employee  
17 or volunteer for employment or service by the department;  
18 except that criminal histories may be released or disclosed to  
19 another agency or person only upon court order or with the  
20 written consent of the person who is the subject of the  
21 criminal history record.

22 C. A person who releases or discloses criminal  
23 history records or information contained in those records in  
24 violation of the provisions of this section is guilty of a  
25 misdemeanor and if convicted shall be sentenced pursuant to the

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provisions of Section 31-19-1 NMSA 1978."

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